

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DARYL ROGERS,

Plaintiff,

v.

SGT. HOWARD, et al.,

Defendants.

Case No. 3:21-cv-05311-BJR-TLF

ORDER GRANTING PLAINTIFF'S  
MOTION TO EXTEND  
DISCOVERY AND AMENDING  
CASE SCHEDULE

This matter comes before the Court on plaintiff's motion to extend the discovery period. Dkt. 56. Defendants have filed a response (Dkt. 58) and plaintiff has replied (Dkt. 61).

Plaintiff contends that he attempted to serve requests for production upon defendants through the legal mail process at Stafford Creek Corrections Center ("SCCC"), where he is currently confined, but later discovered they had never been received. Dkt. 56 at 1. Plaintiff asserts that he attempted to mail the requests on July 5, 2022—which would have provided sufficient time for defendants to respond before the August 8, 2022 discovery cutoff in this case. *Id.* at 1–2. However, he did not learn until August 2, 2022 that the requests had not been delivered, and defendants objected to his re-service of the requests as untimely. *Id.* Plaintiff therefore seeks a 30-day extension of discovery to permit him to properly serve and to receive responses to his requests for production.

1 Defendants note that plaintiff's re-served requests are unsigned—and also  
2 dispute plaintiff's statements regarding his initial attempts to mail his requests. Dkt. 58  
3 at 2. Plaintiff, in turn, disputes defendants' contentions regarding his July attempts to  
4 send legal mail. Dkt. 61. However, defendants state that they do not object to plaintiff's  
5 request for an extension in light of the pendency of a related case in which discovery  
6 may be overlapping. Dkt. 58 at 2–3.

7 The Court finds that good cause exists to grant an extension of the discovery  
8 cutoff in this case. Plaintiff's motion is therefore GRANTED. The Court further ORDERS  
9 as follows:

10 (1) Within 30 days of this Order, plaintiff shall re-serve properly signed  
11 requests for production on defendants; and

12 (2) The case schedule set forth in the Court's Pretrial Scheduling Order (Dkt.  
13 47) is revised as follows:

14 (a) All discovery shall be completed by **November 29, 2022**

15 (b) Any motion to compel discovery shall be filed not later than  
16 **December 13, 2022;**

17 (c) Any dispositive motions shall be filed and served by **January 12,**  
18 **2023.**

19 Dated this 28th day of September, 2022.

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Theresa L. Fricke  
23 United States Magistrate Judge  
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